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| EXAMINER |
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FREAY, CHARLES GRANT

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PAPER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHENG CHUNG WANG

Appeal No. 2008-0762
Application No. 10/647,814
Technology Center 3700

Decided: July 28, 2008

Before WILLIAM F. PATE, III, JENNIFER D. BAHR and JOHN C. KERINS,
Administrative Patent Judges.

PATE, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 1, 2 and 5-8. These are the only claims in the application. We have jurisdiction under 35 U.S.C. §§ 134 and 6(b) (2002).

The claimed invention is directed to an inflatable bed including a socket and electric pump received in the socket. Claim 2 reproduced below, is further illustrative of the claimed subject matter.

2. An inflatable product including:
an inflatable body;

a socket built in the inflatable body;

an electric pump, including a pump body and an air outlet, connected to the socket to pump the inflatable body, wherein the pump body is wholly or partially located in the socket; and

a connector provided at a predetermined position of the electric pump for connecting an external power to actuate the pump.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102 as anticipated by Wortman.

Claims 1, 2, 5, 7 and 8 stand rejected under 35 U.S.C. § 102 as anticipated by Higgs.

Claims 6 stands rejected under 35 U.S.C. § 103 as unpatentable over Higgs in view of Infante.

The references of record relied upon by the Examiner as evidence of obviousness and anticipation are:

| | | |
|---------|--------------|---------------|
| Higgs | US 5,249,319 | Oct. 5, 1993 |
| Infante | US 5,297,545 | Mar. 29, 1994 |
| Wortman | US 5,794,289 | Aug. 18, 1998 |

OPINION

We have carefully reviewed the rejections on appeal in light of the arguments of the Appellant and the Examiner. As a result of this review we have reached the conclusion that the applied prior art does not establish the lack of

novelty or the obviousness of the claims on appeal. Accordingly, the rejections on appeal are reversed. Our reasons follow.

Turning to Appellant's first argument regarding the construction of the claimed subject matter, we do not agree with Appellant that an inflatable body should be construed as a body that is substantially sealed. Nonetheless, we reverse the rejections on appeal because the applied references of Wortman or Higgs do not show a socket built into an inflatable body.

First of all, we cannot construe the beds of Wortman and Higgs in their entirety or as a whole to be the inflatable body as called for in the claims. With respect to Wortman, the inflatable bodies are clearly the air cells. For example, the inflatable bodies in Wortman's Figure 1 are the air cells 44 and 46. The bed as a whole cannot be construed as an inflatable body, as the entire bed does not inflate. In fact, Wortman discloses a foam framework for the air cells that Wortman terms as cribs 34 and 36. See col. 6, ll. 10-32. Therefore, the placement of the pump in notch 63 as shown in Figure 15 can not be considered as a socket built into the inflatable body, in this case air cell 44 or 46.

Likewise with respect to Higgs, we cannot construe the hollow compartment 22 which contains the blower housing 24 of Higgs as a socket in the inflatable body 28 of Higgs. The inflatable portion of Higgs is clearly the plenum 28 which is surrounded by foam liner panels cemented together. (Higgs, col. 2, ll. 46-55). The socket--hollow compartment 22--is formed by a cavity created in the foam and bounded on one side by plenum 28. Thus, neither Higgs nor Wortman teaches or suggests a socket with a built-in pump in an inflatable body.

The disclosure of Infante cannot remedy the defects we have found in the rejections based on Wortman and Higgs. Consequently, all rejections on appeal cannot be sustained.

SUMMARY

The rejection of claims 1 and 2 under 35 U.S.C. § 102 as anticipated by Wortman is reversed.

The rejection of claims 1, 2, 5, 7, and 8 under 35 U.S.C. § 102 as anticipated by Higgs is reversed.

The rejection of claim 6 under 35 U.S.C. § 103 as unpatentable over Higgs in view of Infante is reversed.

REVERSED

JRG

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